

Rev. 4/18

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
CIVIL APPEAL STATEMENT

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: 22-11150-G

Caption: IRA KLEIMAN, as the Personal Representative of the Estate of David Kleiman, vs. CRAIG WRIGHT	District and Division: <u>Florida Southern District, Miami Division</u> Name of Judge: <u>Judge Beth Bloom</u> Nature of Suit: <u>Civil Fraud, Breach of Partnership Duties</u> <hr/> Date Complaint Filed: <u>2/14/18</u> District Court Docket Number: <u>9:18-cv-80176-BB</u> <hr/> Date Notice of Appeal Filed: <u>4/8/22</u> <input type="checkbox"/> Cross Appeal <input type="checkbox"/> Class Action <hr/> Has this matter previously been before this court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide (a) Caption: _____ (b) Citation: _____ (c) Docket Number: _____
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For Appellant:	Attorney Name	Mailing Address	Telephone, Fax, Email
<input checked="" type="checkbox"/> Plaintiff	Devin Freedman	1 SE 3rd Avenue	vel@rochefreedman.c
<input type="checkbox"/> Defendant		Suite 1250	om
<input type="checkbox"/> Other (Specify)		Miami, FL 33131	

For Appellee:	Attorney Name	Mailing Address	Telephone, Fax, Email
<input type="checkbox"/> Plaintiff	Andres Rivero	2525 Ponce de Leon	arivero@riveromestre.
<input checked="" type="checkbox"/> Defendant		Blvd.,	com
<input type="checkbox"/> Other (Specify)		Suite 1000	
		Miami, FL 33134	

Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input type="checkbox"/> Federal Question	<input checked="" type="checkbox"/> Final Judgment, 28 USC 1291	<input type="checkbox"/> Dismissal/Jurisdiction	Amount Sought by Plaintiff: \$ <u>600,000,000,000.00</u>
<input checked="" type="checkbox"/> Diversity	<input type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1)	<input type="checkbox"/> Default Judgment	Amount Sought by Defendant: \$ _____
<input type="checkbox"/> US Plaintiff	<input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b)	<input type="checkbox"/> Summary Judgment	Awarded: \$ <u>144,000,000.00</u>
<input type="checkbox"/> US Defendant	<input type="checkbox"/> Interlocutory Order, Qualified Immunity	<input checked="" type="checkbox"/> Judgment/Bench Trial	to <u>Plaintiff/Appellant</u>
	<input type="checkbox"/> Interlocutory Order, Final Agency Action (Review)	<input checked="" type="checkbox"/> Judgment/Jury Verdict	Injunctions: <input type="checkbox"/> TRO <input type="checkbox"/> Preliminary <input type="checkbox"/> Permanent <input type="checkbox"/> Granted <input type="checkbox"/> Denied
	<input type="checkbox"/> 54(b)	<input type="checkbox"/> Judgment/Directed Verdict/NOV	
		<input type="checkbox"/> Injunction	
		<input type="checkbox"/> Other _____	

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Based on your present knowledge:

- (1) Does this appeal involve a question of First Impression? ☐ Yes ☒ No
What is the issue you claim is one of First Impression? _____
- (2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute? ☐ Yes ☒ No
If Yes, provide
(a) Case Name/Statute _____
(b) Citation _____
(c) Docket Number if unreported _____
- (3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that
(a) Arises from substantially the same case or controversy as this appeal? ☒ Yes ☐ No
(b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? ☒ Yes ☐ No
If Yes, provide
(a) Case Name (1) Ramona Ang vs. Ira Kleiman / (2) Lynn Wright vs. Ira Kleiman _____
(b) Citation (1) 0-2021-CA-004758-XXXX-MB / (2) 50-2013-CP-005060-XXXX-NB _____
(c) Docket Number if unreported _____
(d) Court or Agency (1) 15th Judicial Circuit Court for Palm Beach County, FL / (2) 15th Judicial Circuit Court for Palm Beach County, FL _____
- (4) Will this appeal involve a conflict of law
(a) Within the Eleventh Circuit? ☐ Yes ☒ No
(b) Among circuits? ☐ Yes ☒ No
If Yes, explain briefly:
- (5) Issues proposed to be raised on appeal, including jurisdictional challenges:
At this time, Appellant anticipates/raises the following issues on appeal, but reserves the right to amend or supplement this list.
1. Did the DC err by denying the Estate's motion for new trial, based on defendant's repeated violations of the court's in limine order prohibiting mention of the relationship between Dave and Ira Kleiman?
 2. Did the DC err by allowing defendant's expert to testify that defendant's false testimony was the result of his alleged Asperger's syndrome?
 3. Did the DC err by misinstructing the jury on the required elements of a partnership?
 4. Did the DC err by denying Plaintiffs' request for sanctions and for a jury instruction on sanctions?

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND

SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 27th DAY OF April, 2022.

Devin (Velvel) Freedman

NAME OF COUNSEL (Print)

Devin Freedman

SIGNATURE OF COUNSEL